

Remarks

1. Summary of the office action

In the office action mailed December 9, 2008, (i) the Examiner rejected claims 1-66 and 69-75 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, (ii) the Examiner rejected claims 1-10, 15-18, 21, 25-32, 34-47, and 52-66 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,175,868 (Lavian), (iii) the Examiner rejected claims 11-14 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and U.S. Patent No. 5,535,380 (Bergkvist), (iv) the Examiner rejected claims 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and U.S. Patent No. 6,829,437 (Kirby), (v) the Examiner rejected claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and U.S. Patent No. 6,738,814 (Cox), (vi) the Examiner rejected claims 48-50 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and U.S. Patent No. 6,715,077 (Vasudevan), (vii) the Examiner rejected claim 51 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and U.S. Patent No. 5,987,552 (Chittor), and (viii) the Examiner rejected claims 70-74 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and Bergkvist. The Examiner stated that claim 69 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lavian and Chittor, but then the Examiner discussed Lavian, Kirby, and Cox without referring to Chittor.

Additionally, the Examiner restricted the invention to one of two inventions, namely invention I (claims 1-66 and 69-74) or invention II (claim 75).

2. Restriction and election of claims

In response to the Examiner's restriction requirement, Applicant elects without traverse the invention recited in claims 1-66 and 69-74 (i.e., invention I).

3. Amendments to the specification

Applicant has amended the specification by replacing the paragraphs starting at page 1, line 4, and page 12, line 19 with amended paragraphs. Each of the amended paragraphs replaces reference numbers that are associated with U.S. Patent applications incorporated by reference into the specification with the serial numbers assigned to these applications by the U.S. Patent Office.

Applicant has amended the specification by adding three new paragraphs starting at page 16, line 2. Support for these new paragraphs is located in U.S. Patent Application No. 09/684,490, page 57 (claim 1), and pages 69-70 (claims 75 and 76). U.S. Patent Application No. 09/684,490 is incorporated by reference into the specification.

4. Amendments to the claims and status of the claims

Applicant has amended claims 1, 54, and 66, cancelled claims 69-75, and added new claims 76-82. Now pending in this application are claims 1-66 and 76-82. Of the pending claims, claims 1, 66, and 77 are independent.

Support for the amendment to claims 1 and 66 is located in the specification, for example, at page 15, lines 25-31, page 16, lines 1-2, page 66 (claim 54), Figure 3, and the new paragraphs added to the specification starting at page 15, line 2.

Support for new independent claim 77 is located in the specification, for example, at page 11, lines 25-27, page 12, lines 3-8, page 30, lines 1-12; and Figures 3 and 10.

5. Response to claims rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 1-66 and 69-75 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With respect to claim 1, the Examiner stated that it is unclear as to which network entity is performing the functions of “manipulating node information,” “automatically assembling and configuring the plurality of network elements,” “remotely controlling at least one function,” and “providing secure interoperability.” With respect to claim 66, the Examiner stated that it is unclear as to which network entity is performing the functions of “manipulating network data” and “providing secure and private interoperability.”

Applicant has amended claims 1 and 66 to recite elements that perform the claim functions identified by the Examiner’s rejection of these claims under 35 U.S.C. § 112, second paragraph. Applicant submits that the amendments to claims 1 and 66 overcome the rejection of claims 1-66 under 35 U.S.C. § 112, second paragraph.

Applicant has cancelled claims 69-75. Therefore, the rejection of claims 69-75 under 35 U.S.C. § 112, second paragraph, is moot. Applicant respectfully requests that the Examiner withdraw the rejection of claims 69-75 under 35 U.S.C. § 112, second paragraph.

6. Response to claim rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-10, 15-18, 21, 25-32, 34-47, and 52-66 under 35 U.S.C. § 102(e) as being anticipated by Lavian. Of these claims, claims 1 and 66 are independent.

Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicant submits that Lavian does not teach or suggest each and every element of independent claims 1 and 66.

At a minimum, Lavian does not teach or suggest: (i) coupling a plurality of network elements in a *vehicle*, the *vehicle* including at least one node and at least one *vehicle* bus that is connected to at least one peripheral electronic device, wherein the at least one node includes at

least one gateway node in the *vehicle*, as recited in claim 1, and (ii) coupling a plurality of network elements in a *vehicle*, the *vehicle* including at least one electronic device, at least one node and at least one *vehicle* bus, wherein the at least one node includes at least one gateway node in the *vehicle*, as recited in claim 66.

In rejecting claims 1 and 66, the Examiner stated that Lavian discloses coupling a plurality of network elements in a vehicle including at least one node and at least one vehicle bus among at least one peripheral electronic device, wherein the at least one node includes at least one gateway node in the vehicle, the gateway node comprising a first processor performing real-time processes and a second processor performing remaining processes other than the real-time processes. The Examiner then cited to Lavian, column 6, lines 11-30.

This portion of Lavian discloses:

FIG. 9 shows a network switch 901 with coprocessor 909 compatible with the present invention. In order not to impact the throughput of data on the network, configuration information is preferably sent through a maintenance port or control channel 913 rather than through the network switch data channel 903, 905. In addition, a coprocessor 909 is preferably used to run monitor and configuration software stored in memory 907 in order not to impact the flow of data through network ports 903 and processor 905. A data bus 911, preferably a PCI data bus, is used to transfer information between the processor 905, memory 907, coprocessor 909, and the maintenance data port 913. It will be recognized by one of ordinary skill in the art that changes may be made in the connections between and the types of processor, memory, and network components without loss of generality. For example, the memory may alternatively be connected directly to both the processor and coprocessor, or a data bus other than a PCI data bus, such as an ISA data bus, used to transfer information internally within the network switch 901.

Applicant submits that this portion of Lavian, alone or along with the other portions of Lavian, do not teach or suggest: (i) coupling a plurality of network elements *in a vehicle* including at least one node and at least one vehicle bus among at least one peripheral electronic device,

wherein the at least one node includes at least one gateway node *in the vehicle*, as recited in claim 1, and (ii) coupling a plurality of network elements *in a vehicle* including at least one electronic device among at least one node and at least one vehicle bus, wherein the at least one node includes at least one gateway node *in the vehicle*, as recited in claim 66.

Since Lavian does not teach or suggest each and every element recited in independent claims 1 and 66, Applicant submits that Lavian does not anticipate claims 1 and 66, and that claims 1 and 66 are therefore allowable. Further, without conceding the assertions made by the Examiner regarding dependent claims 2-65, Applicant submits that dependent claims 2-65 are allowable for at least the reason that each of these claims depends from allowable claim 1.

7. Response to claim rejections under 35 U.S.C. § 103

a. Claims 11-14 and 19-20

The Examiner rejected dependent claims 11-14 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and Bergkvist. Claims 11-14 and 19-20 depend from independent claim 1, and necessarily include all of the elements of claim 1. As indicated above, Lavian does not teach or suggest coupling a plurality of network elements in a *vehicle*, the *vehicle* including at least one node and at least one *vehicle* bus that is connected to at least one peripheral electronic device, wherein the at least one node includes at least one gateway node in the *vehicle*, as recited in claim 1. Applicant submits that Bergkvist does not make up for this deficiency of Lavian, and therefore, Applicant submits that claims 11-14 and 19-20 are in condition for allowance.

b. Claims 22-24

The Examiner rejected dependent claims 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and Kirby. Claims 22-24 depend from independent claim 1, and necessarily include all of the elements of claim 1. As indicated above, Lavian does not teach or

suggest coupling a plurality of network elements in a *vehicle*, the *vehicle* including at least one node and at least one *vehicle* bus that is connected to at least one peripheral electronic device, wherein the at least one node includes at least one gateway node in the *vehicle*, as recited in claim 1. Applicant submits that Kirby does not make up for this deficiency of Lavian, and therefore, Applicant submits that claims 22-24 are in condition for allowance.

c. Claim 33

The Examiner rejected dependent claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and Cox. Claim 33 depends from independent claim 1, and necessarily includes all of the elements of claim 1. As indicated above, Lavian does not teach or suggest coupling a plurality of network elements in a *vehicle*, the *vehicle* including at least one node and at least one *vehicle* bus that is connected to at least one peripheral electronic device, wherein the at least one node includes at least one gateway node in the *vehicle*, as recited in claim 1. Applicant submits that Cox does not make up for this deficiency of Lavian, and therefore, Applicant submits that claim 33 is in condition for allowance.

d. Claims 48-50

The Examiner rejected dependent claims 48-50 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and Vasudevan. Claims 48-50 depend from independent claim 1, and necessarily include all of the elements of claim 1. As indicated above, Lavian does not teach or suggest coupling a plurality of network elements in a *vehicle*, the *vehicle* including at least one node and at least one *vehicle* bus that is connected to at least one peripheral electronic device, wherein the at least one node includes at least one gateway node in the *vehicle*, as recited in claim 1. Applicant submits that Vasudevan does not make up for this deficiency of Lavian, and therefore, Applicant submits that claims 48-50 are in condition for allowance.

e. Claim 51

The Examiner rejected dependent claim 51 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and Chittor. Claim 51 depends from independent claim 1, and necessarily includes all of the elements of claim 1. As indicated above, Lavian does not teach or suggest coupling a plurality of network elements in a *vehicle*, the *vehicle* including at least one node and at least one *vehicle* bus that is connected to at least one peripheral electronic device, wherein the at least one node includes at least one gateway node in the *vehicle*, as recited in claim 1. Applicant submits that Chittor does not make up for this deficiency of Lavian, and therefore, Applicant submits that claim 51 is in condition for allowance.

f. Claim 69

The Examiner stated that dependent claim 69 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lavian and Chittor, but then the Examiner discussed Lavian, Kirby, and Cox without referring to Chittor. Applicant has cancelled claim 69. Therefore, the rejection of claim 69 under 35 U.S.C. § 103(a) is moot. Applicant respectfully requests that the Examiner withdraw the rejection of claim 69 under 35 U.S.C. § 103(a).

g. Claims 70-74

The Examiner rejected dependent claims 70-74 under 35 U.S.C. § 103(a) as being unpatentable over Lavian and Bergkvist. Applicant has cancelled claims 70-74. Therefore, the rejection of claims 70-74 under 35 U.S.C. § 103(a) is moot. Applicant respectfully requests that the Examiner withdraw the rejection of claims 70-74 under 35 U.S.C. § 103(a).

8. New claims

Applicant has added new claims 76-80. Of these claims, claim 77 is independent.

Applicant submits that claim 76 is allowable for at least the reason that it depends from allowable claim 1.

Applicant submits that independent claim 77 is allowable for at least the reason that this claims provides for the plurality of network elements automatically assembling to form a network in which the gateway node provides a bridge between the first vehicle bus and the second vehicle bus, wherein the bridge is operable to pass messages between the first vehicle bus and the second vehicle bus.

Applicant submits that claims 78-82 are allowable for at least the reason that each of these claims depend from independent claim 77.

9. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-66, and 76-82 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all the pending claims.

Respectfully submitted,

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